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DEPT FOR AF/CA
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POSTS FOR FRAUD PREVENTION MANAGERS

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TAGS: [KFRD](#) [CVIS](#) [CPAS](#) [CMGT](#) [ASEC](#) [KCRM](#) [KE](#)
SUBJECT: QUARTERLY FRAUD SUMMARY - NAIROBI

REF: A. Nairobi 2307, B. Nairobi 1389, C. 06 Nairobi 3733, D. 06
NAIROBI 2782, E. 06 NAIROBI 2509, F. 06 NAIROBI 1650, G. 06 NAIROBI
817, H. 06 NAIROBI 740, I. 05 STATE 205073, J. 05 NAIROBI 4523, K.
05 NAIROBI 3627

¶1. (U) Summary. The following report replies to Ref I reinstitution of the quarterly fraud report covering the current condition of consular fraud in Kenya, with specific reference to fraud trends in non-immigrant visa, immigrant visa, and diversity visa applications as well as cases of American Citizen Services, adoption, and passport fraud. Other areas covered include cooperation with the host government, and areas of particular concern. The review concludes with an overview of FPU staffing and training. End Summary.

COUNTRY CONDITIONS - KENYA, THE EYE OF THE STORM

¶2. (SBU) Consular operations in Nairobi are regional in nature, covering much of East Africa, to include immigrant visa operations for Kenya, Burundi, Rwanda, Uganda, Somalia, Eritrea, Seychelles, southern Sudan, Reunion, and Mauritius. Several of these countries have historically been politically unstable and involved significant migration by refugee groups. Due to the political history of and fluid borders in East Africa, as well as Kenya's role as a relatively stable country in the region, Nairobi's consular work maintains a fraud prevention posture that takes into consideration the high potential that applicants tend to have very fluid identities, including names, dates of birth, and other biometric information. These same factors (porous borders and malleable identities) have proven attractive to terrorist groups wishing to strike Western targets inside of Kenya. Nairobi's current complement of one full-time FSN investigator in FPU is insufficient, and Post requests that Washington continue to entertain our request for an additional FSN position (Ref A).

¶3. (SBU) Over the past quarter, Post reviewed each applicant's online appointment record in order to clear phony appointment bookings that caused significant backlogs and many public complaints. Working with ISC, Nairobi changed the parameters which previously allowed applicants to manipulate the appointment system. Nairobi reviewed and deleted fake appointments from the system by sorting all appointments by phone number and looking for commonalities between appointments. As a result the average "no show" rate (applicants who book an appointment, but do not appear on the appointment date) has dropped from 40 percent last quarter to around 10 percent, allowing Post much better workflow control.

14. (U) FPU Nairobi is concerned that, similar to early errors in EVAF-related data collection, the statistics for "cases referred to FPU" and "suspicious docs" are being significantly under-reported. For the quarter, the CCD report is showing that Nairobi had 11 total fraud cases in IV/DV and 4 total cases in NIV. In reality, adjudicators have noted "suspicious documents" in hundreds of applications while sending a select few to FPU for review over the quarter. Nairobi recognizes that Washington actively uses these reports, and is disappointed that they are not accurately reflecting the fraud situation at Post.

NIV FRAUD - STUDENT VISAS VALIDATION STUDY RESULTS

15. (SBU) Students' financial support continues to be a focus area for FPU Nairobi. CCD text searches of sponsor names allow Nairobi to routinely catch F1 student applicants using recycled bank statements. However, Post has recently noted that applicants are varying the spelling of sponsor names in an attempt to throw off our text search accuracy, suggesting a need for "fuzzy" search capabilities in CCD. Post also noticed an increase in the submission of fraudulent high school certificates by F1 candidates as we enter the high season for student applications. One notable applicant received a \$10,000 scholarship based on a fraudulent high school certificate. Nairobi is currently gathering information for an investigation into what we believe is a Kenyan bank that is complicit in financial support fraud.

16. (SBU) Nairobi completed the analysis of all F1 visa issuances between January 2004 and December 2005. Interns, summer hires, conoffs, and FSNs collected data through CCD over the summer of 2006 to determine the SEVIS status of each student approved for an F1 during that two-year time period. The graphical analysis was completed by NIV Assistant Alice Kimuhu who deserves kudos for her efforts.

17. (SBU) Analysis of the data reveals interesting trends. The percentage of students with "active" SEVIS status declines over time at a sharp, relatively linear rate. Over 85 percent of students issued in December 2005 were active in the system; however, of those issued a year earlier only 65 percent maintained an active SEVIS status, and at its lowest rate for the study, only 40 percent of students issued visas in March 2004 were active (based on data captured in summer 2006). As expected, "terminated" SEVIS status is inversely proportional to the "active" rate. For example, in December 2005, less than 5 percent of F1 visa holders had terminated SEVIS status, while 30 percent of those issued a year earlier (December 2004) had a terminated status.

18. (U) The analysis appears to support Post's two major concerns: a) that most student visa holders are not capable of funding a U.S. education in the long-term, and b) that even qualified students use the F1 category as a vehicle to expeditiously immigrate to the U.S. Articles published in the Kenyan press ("It Is No Bed of Roses for Kenyans in the US," The Standard, June 6, for example), and both immigrant and non-immigrant visa interviews of family members suggest that a large number of F1 applicants either fall out of status or become LPRs within a few years of entering the U.S. Assuming the average course of study for students is at least four years, Nairobi is nonetheless surprised by the number of applicants who are unable to maintain SEVIS status after only a few years. Post is convinced that the vast majority of students who fail to maintain "active" status do not return to Kenya, but stay in the U.S. indefinitely.

IV FRAUD - SOMALIS MARRYING SIBLINGS, COACHING, FORGERY

19. (SBU) Nairobi's Somali immigrant and diversity visa workload, which is fraught with fraud, continues to grow. Between 2004 and 2005, there was a 27 percent increase in Somali applicants, followed by a 31 percent increase in the following year. Somali IV relationship fraud remains very high, particularly in K1, K3, and IR1 petitions. Post has become much more liberal in its requests for DNA testing to excludesibling relationships, particularly among

cases involving Somali applicants given the general lack of any relationship evidence provided by most applicants. As a result, in the past quarter, Nairobi has confirmed at least 10 separate cases in which DNA showed a sibling or half-sibling relationship for applicants claiming to be spouses.

¶10. (U) Nairobi has wondered for some time why all Somali IV cases tell us the same relationship story: Generally, the applicant and petitioner were neighbors in Mogadishu, lost track of each other, then magically reunited and shortly thereafter had a wedding that was attended by few if any family members. These cases are typified by a lack of relationship evidence, but at the same time provide few "smoking guns" for the purposes of revocation.

¶11. (SBU) Post now has a good idea why Somali applicants all share the same relationship story. In the course of an interview, an observant officer and translator intercepted a coaching letter written by an IR-1 petitioner to the applicant providing answers to our potential questions. The answers included prompts for his name, where he was born, when he attended school, his history in Kenya, the relationship story and names of his parents, and a warning to only provide the information if requested by the officer. The letter further confirms Nairobi's suspicions that for many Somali IR-1, K-1, and K-3 petitions, we cannot be certain of the stated identities or relationships. The near absence of F4 sibling petitions for Somali applicants suggest that most petitioners choose the faster, non-numerically limited, IR-1 category for their siblings despite the risk of being caught in a fraudulent relationship.

¶12. (SBU) Nairobi's IV staff noticed an irregularity in a 212(g)(1) waiver application for an IV applicant who had tested HIV positive. The waiver submission included several letters from a clinic in the U.S. promising to provide free medical care to the applicant; however, the signatures on the letters appeared to differ significantly. FPU contacted the clinic which confirmed the forged letter which promised to greatly enhance the level of support the clinic was actually willing to provide. The petitioner, unhappy with the original letter, apparently decided to take matters into his own hands, rewrite the letter, and forge the signature. As a result, the clinic withdrew their support for the applicant completely and apparently canceled the applicant's access to free treatment in the state where the petitioner resides.

DV FRAUD - GHOST MARRIAGES BECOME MORE COMPLEX

¶13. (SBU) As the 2007 DV season reaches its peak, Nairobi has again noticed a high fraud rate, and many commonalities between ghost marriages from western Kenya, particularly from the Kisii tribe. In their latest attempt to convince conoffs of these ghost marriages, the fraud rings have begun pairing principal applicants with pregnant added spouses, claiming the child is their own. Detailed Stokes interviews reveal that even pregnant added spouses have great difficulty memorizing their created relationship stories, leading to significant discrepancies between members of the ghost marriages.

¶14. (SBU) Several desperate applicants have engaged in separate ghost marriages in both the 2006 and 2007 DV seasons. The statistical likelihood of someone marrying a DV winner one year, divorcing, and marrying another DV winner the following year seems miniscule, and the fraud in each of these cases confirms our suspicions. In another recent case, both applicant and spouse were listed on the original electronic DV submission; however, a poison pen revealed that the principal applicant and spouse were brother and sister. A call to one of the applicant's employers revealed that the relationship was a hoax.

ACS and PASSPORT FRAUD - FORGERIES

¶15. (SBU) This quarter has netted several confirmed fraudulent cases in which Somali and Sudanese-American parents have attempted to register births and seek passports for children using forged Kenyan documents, to include birth certificates.

¶16. (SBU) Nairobi FPU believes we've intercepted another IRS refund check scam. Most recently, a refund check from the IRS worth over \$700,000 was issued to what appears to be a "dummy" name and address in Kenya. A local bank called FPU regarding a similar check in the amount of \$957,221 in July of last year. Scrutiny of the passports of those attempting to cash last year's check revealed that the passports were forgeries. FPU has turned the most recent check over to Legatt for further investigation, and informed IRS representatives at AmEmbassy London.

ADOPTION - MORE FORGERIES

¶17. (U) Nairobi has had one adoption case this quarter with a confirmed fake high court decree approving the adoption. In the past we have received similar forgeries in cases like this one where Kenyan-American adopting parents attempt to adopt distant family members who have lost their parents and guardians in Kenya. Nairobi FPU believes that due to the length of the adoption legal process, and Kenyan requirements of physical cohabitation, petitioners resort to forged court documents to expedite the process.

ASSISTING USCIS - STILL MORE FORGERIES

¶18. (U) Post's fraud unit continues to act as a resource for domestic USCIS investigators verifying documents for Kenyans attempting to change status in the U.S. The majority of document verification requests continue to involve fraudulent divorce decrees.

HOST GOVERNMENT - GENEVA CONVENTION, WHAT'S THAT?

¶19. (SBU) Nairobi receives decent cooperation from the host government; however, the Kenyan government has not honored its requirements under the Geneva Convention regarding consular notification. In this quarter, Nairobi learned about the death of an Amcit from an anonymous caller who informed us that Kenyan police had dumped the body in a local morgue without refrigeration. Hours later, Post identified the body with difficulty, as it had been nearly a week since the death occurred. While Police claim they informed the Ministry of Foreign Affairs (MFA) regarding the death, Post has yet to receive notification, though several months have passed. Post vigorously protested this shortcoming in a series of diplomatic notes, and continues to badger the MFA on this issue.

AREAS OF CONCERN - COME TO KENYA, BECOME A NEW PERSON

¶20. (U) Post believes that Kenyan borders and ports will continue to be porous transit points for third-country nationals attempting to travel on fraudulent documents. Nairobi also believes that, following ongoing fighting in Somalia, potentially malevolent applicants may attempt to apply for visas in Nairobi. For example, Kenyan Police recently apprehended Farah Ahmed Hirsi, aka Ahmed Hirsi Farah in relation to the downtown Nairobi bombing on June 11. Immigration officials question his possession of a valid Kenyan passport, as he was born in Somalia, but appears to have fraudulently procured a birth certificate and other identity documents to support a claim of Kenyan citizenship. Potential threats to U.S. security are likely to have significant resources and may attempt to procure genuine Kenyan documents in order to get a US visa. As such, following the recent OIG's recommendation, Post would like Washington to reconsider our request to purchase a powerful anti-fraud tool: the Foster and Freeman VSC4Plus with Document Imaging Software Suite, at an installed cost of roughly \$33,000. We believe the VSC4Plus would greatly enhance Post's anti-fraud posture and would enable us to expand on our anti-fraud cooperation with host-government authorities.

STAFFING AND TRAINING - MORE WORK, SAME STAFF LEVELS

¶21. (U) Nairobi has begun to accept NIV, IV, and DV cases from Eritrea following the closure of visa operations in Asmara. Eritrean cases accounted for 23 percent of the total IV caseload for June, our first full month accepting cases from Asmara. Given that Eritrean documents are unreliable, and we are unaware of the social norms in Eritrea, Nairobi hopes to take AmEmbassy Asmara up on its invitation to train our sole fulltime FPU investigations once Nairobi's workload slows at the end of the fiscal year.

¶22. (U) The FPU unit includes one full-time FSN, Francis Marawoshe, who is currently undergoing FSI training. FPU Nairobi's heavy workload necessitates a second fulltime FSN position. Nairobi eagerly awaits Washington's response to our Ref A request. Due to short staffing among the officers, Post's fraud prevention efforts at the officer level have been diminished. The current Fraud Prevention Manager with collateral duties is Etienne LeBailly, who received FPM training in December 2005. Post also has an A/RSO-I with collateral duties. Both the FPM and A/RSO-I depart Post this summer.

SLUTZ